

1 RICK A. YARNALL
2 CHAPTER 13 BANKRUPTCY TRUSTEE
3 701 Bridger Ave
Suite 820
Las Vegas, NV 89101
(702) 853-4500

E-FILED

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5 **UNITED STATES BANKRUPTCY COURT**
DISTRICT OF NEVADA

6 IN RE:
7 ANA P OJEDA

8 CASE NO: BKS-18-12624-MKN
9
CHAPTER 13
Hearing Date: 7/12/2018
Hearing Time: 1:30 PM

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11 LAW OFFICE OF MICHAEL J F
Attorney for the Debtor

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13 **TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN**

14 Chapter 13 Bankruptcy Trustee, RICK A YARNALL, TRUSTEE, hereby objects to confirmation of the Chapter 13
Plan. The Debtor filed for Chapter 13 relief on 5/4/2018. The 341(a) Meeting of Creditors held on 6/19/2018 at 10:00 a.m.
was concluded. The Trustee objects to confirmation of the plan for the following reason:

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16 • Debtor failed to commence making timely payments under § 1326.

17 In order to complete his investigation into the Debtor's financial affairs, Trustee requires the following
documentation:

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19 • Verification of all sources of income received each month through confirmation of the plan;
• Evidence that vehicle payments are current;
• Other: Provide documentation as to source of large deposits and use of funds: Chase #9162: 1/10 \$11,850.58;

20 These objections increase the Debtor's disposable income. Debtor's plan does not provide for all of Debtor's
disposable income, therefore Trustee requests that confirmation of the plan be denied.

21 Trustee further opposes confirmation for the following reasons:

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23 • Feasibility of the proposed plan relies on the Debtor successfully obtaining a loan modification. Trustee asks that
this Court withhold from entering an order confirming the instant case until the loan modification is approved;

1 ● Plan requires the Debtor to successfully avoid a second deed of trust. Trustee asks that this Court withhold from
2 confirming the instant plan until an order avoiding the lien has been entered;

3 ● Plan is not feasible;

4 ● Plan does not provide for all secured and priority claims filed;

5 Trustee reserves the right to make further objections to confirmation and requests for documentation until the above
6 mentioned documents have been received, amendments have been made, and the plan is ultimately confirmed or
7 dismissed. In the event that the Debtor(s) fail to timely resolve Trustee's objection to confirmation, Trustee requests that
confirmation be denied.

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9 Therefore, the Trustee objects to confirmation for the foregoing reasons and recommends that confirmation be denied.

10 DATED this 20th day of June, 2018.

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12 /s/ Rick A. Yarnall

13 RICK A. YARNALL

14 Chapter 13 Bankruptcy Trustee

15 701 Bridger Ave, Suite 820

16 Las Vegas, Nevada 89101

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18 **CERTIFICATE OF SERVICE**

19 I hereby certify that I am an employee of RICK A. YARNALL, Chapter 13 Bankruptcy Trustee; that I am over the
20 age of 18 years; and that on the 20th day of June, 2018, I provided a copy of the Trustee's Opposition to
21 Confirmation of Plan Combined With a Certificate of Service to each of the following by:

1 [x] a. **ECF System:**
2 MICHAEL J. HARKER notices@harkerlawfirm.com, mharker@harkerlawfirm.com;
r41501@notify.bestcase.com

3 [x] b. **United States mail, postage fully prepaid:**

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5 ANA P OJEDA
6 418 PALEGOLD STREET
HENDERSON, NV 89012

7 /s/ Cindy Coons
Cindy Coons, an Employee of
RICK A. YARNALL
Chapter 13 Bankruptcy Trustee
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